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TRANSMITTAL FORM
FEE TRANSMITTAL
SUPPLEMENTAL APPEAL BRIEF

TOTAL NUMBER OF PAGES SUBMITTED INCLUDING COVER PAGE: 17

SERIAL NUMBER: 10/034,499

FILED: DECEMBER 28, 2001

INVENTOR: ANDREAS DIEBERGER ET AL. DOCKET NO: ARC920010063US1

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| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 10/034,499 | |
| | Filing Date | 12/28/2001 | |
| | First Named Inventor | Andreas Dieberger et al. | |
| | Group Art Unit | 2174 | |
| | Examiner Name | Ryan F. Pitaro | |
| Total Number of Pages in This Submission | 16 | Attorney Docket Number | ARC920010063US1 |

| ENCLOSURES (check all that apply) | | |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Supplemental Appeal Brief in response to notice of Non-compliant appeal brief of December 15, 2006. |
| Remarks _____ | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
|--|------------------------|-----------------|
| Firm or Individual name | Marc D. McSwain | Reg. No. 44,929 |
| Signature | <i>Marc D. McSwain</i> | |
| Date | 15 JAN 2007 01/15/2007 | |

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| Effective on 12/09/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2007 | | Complete if Known | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | Application Number | 10/034,499 |
| TOTAL AMOUNT OF PAYMENT (\$) 0.00 | | Filing Date | December 28, 2001 |
| | | First Named Inventor | Andreas Dieberger et al. |
| | | Examiner Name | Ryan F. Pitaro |
| | | Art Unit | 2174 |
| | | Attorney Docket No. | ARC920010063US1 |

METHOD OF PAYMENT (check all that apply)

☐ Check
 ☐ Credit Card
 ☐ Money Order
 ☐ None
 ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 09-0441 Deposit Account Name: International Business Machines

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

| Fee Description | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (Including Reissues) | 50 | 25 |
| Each independent claim over 3 (Including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**
 - 20 or HP = 4 x 50.00 = _____
 HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**
 - 3 or HP = 200.00 = _____
 HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|---|--------------|--|----------|---------------|
| - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____ | | | | |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) **Fees Paid (\$)**

Other (e.g., late filing surcharge): _____ \$ 0.00

| | | | |
|---------------------|-----------------|-----------------------------------|------------------|
| SUBMITTED BY | | | |
| Signature | Marc D. McSwain | Registration No. (Attorney/Agent) | 44,929 |
| Name (Print/Type) | Marc D. McSwain | Telephone | 408-927-3384 |
| | | Date | January 15, 2007 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JAN 15 2007**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of : January 15, 2007
Andreas Dieberger et al.
Group Art Unit: 2174 : Examiner: Ryan F. Pitaro
Serial No.: 10/034,499 : Filed: 12/28/2001
Attorney Docket: ARC920010063US1 : Confirmation No.: 1253

**Title: SYSTEM AND METHOD FOR VISUALIZING AND NAVIGATING
DYNAMIC CONTENT IN A GRAPHICAL USER INTERFACE**

SUPPLEMENTAL APPEAL BRIEF

Commissioner of Patents and Trademarks

Sir:

This brief is submitted under 35 U.S.C. 134 and is in accordance with 37 C.F.R. Parts 1, 5, 10, 11, and 41, effective September 13, 2004 and published at 60 Fed. Reg. 155 (August 2004). This brief is further to Appellant's Notice of Appeal previously filed, and in response to a Notice of Non-Compliant Appeal Brief dated December 15, 2006.

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(1) Real Party in Interest

The real party in interest is the IBM Corporation.

(2) Related Appeals/Interferences

No other appeals or interferences exist which relate to the present application or appeal.

(3) Status of Claims

Claims 1-10, 13, 15, and 17-23 are pending, non-finally rejected, and appealed herein; claims 11-12, 14, and 16 are canceled.

(4) Status of Amendments

No amendments are outstanding.

(5) Summary of Claimed Subject Matter

As an initial matter, it is noted that according to the Patent Office, the concise explanations under this section are for Board convenience, and do not supersede what the claims actually state, 69 Fed. Reg. 155 (August 2004), see page 49976. Accordingly, nothing in this Section should be construed as an estoppel that limits the actual claim language.

Claim 1 teaches a method for visualizing dynamic documents (page 6 lines 5-7 and 17-19) in a graphical user interface, comprising generating a summary view

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(Figure 1, page 6, lines 11-17) of at least one dynamic document including data from an ongoing process and containing instances of search terms, using a condensed abstract representation of a search term density distribution (page 6, lines 13-16, page 16 lines 1-6), then updating said summary view to reflect changes in said dynamic document (page 6, lines 16-17), and finally triggering an enhancement of said summary view by cursor brushing (page 9, lines 4-9).

Claims 8, 22, and 23 are substantially identical, differing only in form (e.g. claims 8 and 22 describe systems while claim 23 describes a computer program product).

Claim 8 teaches a system for visualizing dynamic documents (page 6 lines 5-7 and 17-19) in a graphical user interface, comprising a summary view (Figure 1, page 6, lines 11-17) of at least one dynamic document including data from an ongoing process and containing instances of search terms, using a condensed abstract representation of a search term density distribution (page 6, lines 13-16, page 16 lines 1-6), an updating mechanism to reflect changes in said dynamic document in said summary view (page 6, lines 16-17), and finally an enhancement of said summary view triggered by cursor brushing (page 9, lines 4-9).

Claim 22 teaches a system for visualizing dynamic documents (page 6 lines 5-7 and 17-19) in a graphical user interface, comprising means for generating a summary view (Figure 1, page 6, lines 11-17) of at least one dynamic document including data from an ongoing process and containing instances of search terms, using a condensed abstract representation of a search term density distribution (page 6, lines 13-16, page 16 lines 1-6), means for then updating said summary view to reflect changes in said

dynamic document (page 6, lines 16-17), and finally means for triggering an enhancement of said summary view by cursor brushing (page 9, lines 4-9).

Claim 23 teaches a computer program product for visualizing dynamic documents (page 6 lines 5-7 and 17-19, page 24 lines 4-12) in a graphical user interface, comprising a first code means for generating a summary view (Figure 1, page 6, lines 11-17) of at least one dynamic document including data from an ongoing process and containing instances of search terms, using a condensed abstract representation of a search term density distribution (page 6, lines 13-16, page 16 lines 1-6), a second code means for then updating said summary view to reflect changes in said dynamic document (page 6, lines 16-17), and finally a third code means for triggering an enhancement of said summary view by cursor brushing (page 9, lines 4-9).

Claims 3 and 15 teach a dynamic document that includes stock market data, and computing a statistical summary of a selection dynamic document portion (page 7 lines 3-6).

Claim 13 teaches a dynamic document that includes data from a security system (page 7 lines 1-2).

(6) Grounds of Rejection to be Reviewed on Appeal

(a) Whether claims 1, 2, 4-10, and 17-23 have been properly rejected under 35 U.S.C. 102(b) as being anticipated by Koike et al. ("Koike", Timeslider: An Interface to Specify Time Point).

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(b) Whether claims 3 and 15 have been properly rejected under 35 U.S.C. 103(a) as being unpatentable over Koike in view of Chen et al. ("Chen", USPN 6,625,624).

(c) Whether claim 13 has been properly rejected under 35 U.S.C. 103(a) as being unpatentable over Koike in view of Ayyar et al, ("Ayyat", USPA 2002/0140722).

(7) Argument

(a) Claims 1, 2, 4-10, and 17-23 rejected under 35 U.S.C. 102(b)

As an initial matter, it is noted that according to the Patent Office, a new ground of rejection in an Examiner's answer should be "rare" and should be levied only in response to such things as newly presented arguments by Applicant or to address a claim that the examiner previously failed to address, 69 Fed. Reg. 155 (August 2004), see, e.g., pages 49963 and 49980. Furthermore, a new ground of rejection must be approved by the Technology Center Director or designee and in any case must come accompanied with the initials of the conferees of the appeal conference, *id.*, page 49979.

Appellant notes that the SPE signed off on the final rejections. Accordingly it was not expected that reopening of prosecution would occur, since the SPE has already had the chance to consider the gravamen of the arguments below and has rejected them. However, the latest Office Action indeed reopens prosecution with only minor remarks and insignificant changes to the cited prior art. The Examiner now suggests that "search term density" is not sufficiently precise, a suggestion Applicants refute,

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and replaces the Yeo reference with the Ayyar reference. Accordingly, Applicants return this application to appeal.

Claims 1, 2, 4-10, and 17-23 are rejected as anticipated by Koike. Koike fails to teach every element of the present invention, which is required for a proper anticipation rejection. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Remarks below regarding Koike also apply to the obviousness rejections discussed below.

Claims 1, 8, 22, and 23 are independent claims and each recite elements not found in Koike. The dependent claims similarly recite elements not found in Koike, or, in the case of the obviousness rejections discussed below, recite elements neither taught nor suggested by the cited prior art. Koike fails to generate a summary view of at least one dynamic document including data from an ongoing process using a condensed abstract representation of a search term density distribution, as taught and claimed by the present invention. As taught in the specification on page 16 lines 1-18, markers represent the frequency with which search terms occur in the portion of the document represented by that marker, using relative darkness, color, and patterns for example to represent different densities. Koike presents no search term density information, only small tick marks to indicate that at least one instance of a search term occurred - a user must navigate and explore further to extract the information directly represented by the present invention.

(b) Claims 3 and 15 rejected under 35 U.S.C. 103(a)

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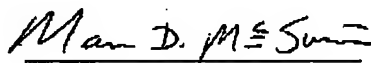
Claims 3 and 15 are rejected as unpatentable under 35 U.S.C. 103(a) over Koike in view of Chen. Chen does not address dynamic documents or their updating, whether those dynamic documents include stock market data or whether a statistical summary of a document portion is computed. Thus, Koike and Chen do not, either separately or in combination, teach or suggest the claimed features of the present invention.

(c) Claim 13 rejected under 35 U.S.C. 103(a)

Claim 13 is rejected as unpatentable over Koike in view of Ayyar. Ayyar merely teaches a system for selecting text captions for video images as may for example be produced by a security system, but does not describe dynamic documents at all. Thus, Koike and Ayyar do not, either separately or in combination, teach or suggest the claimed features of the present invention.

For the reasons advanced above, it appears that the rejected claims are patentable.

Respectfully submitted,



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APPENDIX A - APPEALED CLAIMS

1. A method for visualizing dynamic documents in a graphical user interface, comprising:

generating a summary view of at least one dynamic document including data from an ongoing process and containing instances of search terms, using a condensed abstract representation of a search term density distribution;

updating said summary view to reflect changes in said dynamic document; and

triggering an enhancement of said summary view by cursor brushing.

2. The method of claim 1 further comprising navigating to at least one segment of said dynamic document by selecting a corresponding portion of said summary view.

3. The method of claim 1 further comprising computing a statistical summary of contents of a selected document portion.

4. The method of claim 1 further comprising identifying relevant dynamic documents with at least one search engine.

5. The method of claim 1 further comprising aggregating information to enable a more condensed abstract representation of said dynamic document.

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6. The method of claim 1 wherein said updating is performed periodically.

7. The method of claim 1 wherein said updating is performed continuously.

8. A system for visualizing dynamic documents in a graphical user interface comprising:

a summary view of at least one dynamic document including data from an ongoing process and containing instances of search terms, using a condensed abstract representation to depict a search term density distribution;

an updating mechanism to reflect changes in said dynamic document in said summary view; and

an enhancement of said summary view triggered by cursor brushing.

9. The system of claim 8 wherein at least one segment of said document is navigated to by selection of a corresponding portion of said summary view.

10. The system of claim 8 wherein said dynamic document comprises at least one of: a text file, an image file, an audio file, a video file, streaming data.

13. The system of claim 8 wherein said dynamic document includes data from a security system.

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15. The system of claim 8 wherein said dynamic document includes stock market data.

17. The system of claim 8 wherein said search terms include user-specified events defined by significant changes in said data from said ongoing process.

18. The system of claim 8 wherein said summary view includes a number of distinct regions, each region having a different resolution scale, enabling information to be depicted at different levels of detail.

19. The system of claim 18 wherein said resolution scale is a time scale.

20. The system of claim 8 wherein said abstract representation is nonlinear.

21. The system of claim 8 wherein said summary view depicts more recent events with higher resolution than less recent events.

22. A system for visualizing and navigating dynamic documents in a graphical user interface comprising:

means for generating a summary view of at least one dynamic document

including data from an ongoing process and containing instances of search terms, said summary view depicting a search term density distribution in a condensed abstract representation;

means for updating said summary view to reflect changes in said dynamic document; and

means for triggering an enhancement of said summary view by cursor brushing.

23. A computer program product comprising a machine-readable medium having computer-executable program instructions thereon including:

a first code means for generating a summary view of at least one dynamic document including data from an ongoing process and containing instances of search terms, said summary view depicting a search term density distribution in a condensed abstract representation;

a second code means for updating said summary view to reflect changes in said dynamic document; and

a third code means for triggering an enhancement of said summary view by cursor brushing.

APPENDIX B - EVIDENCE

None (this sheet made necessary by 69 Fed. Reg. 155 (August 2004), page 49978).

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APPENDIX C - RELATED PROCEEDINGS

None (this sheet made necessary by 69 Fed. Reg. 155 (August 2004), page 49978).

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